

UNITED STATES DEPARTMENT OF AGRICULTURE  
ANIMAL AND PLANT HEALTH INSPECTION SERVICE

**OFFICIAL WARNING**  
**VIOLATION OF FEDERAL REGULATIONS**

CASE NO.  
**TN10024-AC**

VIOLATOR  
**JASON S. DAY**

ADDRESS (Street, City, State, Zip Code)

2319 FIFTH STREET  
BATAVIA, OH 45103

The U.S. Department of Agriculture has evidence that on or about the date(s) listed below, you or your organization committed the following violation(s) of Federal law:

**Date of Violation: July 17, 2009 & July 18, 2009**

**15 U.S.C. § 1824(2) – Unlawful acts**

“The (A) showing or exhibiting, in any horse show or horse exhibition, of any horse which is sore, (B) entering for the purpose of showing or exhibiting in any horse show or horse exhibition, any horse which is sore, (C) selling, auctioning, or offering for sale, in any horse sale or auction, any horse which is sore, and (D) allowing any activity described in clause (A), (B), or (C) respecting a horse which is sore by the owner of such horse.”

Jason S. Day entered for the purpose of showing, the horse, “Fear Or No Fear,” in the 2009 PC Splash Classic Horse Show in Columbia, TN, which was found sore.

Jason S. Day entered for the purpose of showing, the horse, “Absolute Future,” in the 23<sup>rd</sup> Annual Moore County Horse Show in Lynchburg, TN, which was found sore.

\*\*\*See Continuation Pages\*\*\*

Titles 7 & 9 Code of Federal Regulations were promulgated to help prevent the spread of animal and plant pests and diseases and assure the humane treatment of animals. Since the violations of the regulations can have serious and costly impact detrimental to the public interest, you are warned of this violation. Any further violation of these regulations may result in the assessment of a civil penalty or criminal prosecution. If you have any questions concerning this warning or violation, please contact the listed APHIS official.

APHIS OFFICIAL (Name, Title)

Dr. Chester A. Gipson  
Deputy Administrator

OFFICE ADDRESS:

4700 River Road  
Riverdale, MD 20737

SI [REDACTED] DATE ISSUED  
12/7/2012

TELEPHONE NO.  
(301) 851-3751

FOR PERSONAL SERVICE - RECEIVED BY: (Name and signature)

DATE RECEIVED:

FOR CERTIFIED MAIL - RECEIPT NO:

**Date of Violation: August 27, 2009**

**15 U.S.C. § 1824(2) – Unlawful acts**

“The (A) showing or exhibiting, in any horse show or horse exhibition, of any horse which is sore, (B) entering for the purpose of showing or exhibiting in any horse show or horse exhibition, any horse which is sore, (C) selling, auctioning, or offering for sale, in any horse sale or auction, any horse which is sore, and (D) allowing any activity described in clause (A), (B), or (C) respecting a horse which is sore by the owner of such horse.”

**9 C.F.R. § 11.3 – Scar rule**

“The scar rule applies to all horses born on or after October 1, 1975. Horses subject to this rule that do not meet the...scar rule criteria shall be considered to be “sore” and are subject to all prohibitions of...the Act.”

Jason S. Day entered for the purpose of showing, the horse, “A Bold Generator,” in the 71<sup>st</sup> Annual Tennessee Walking Horse National Celebration in Shelbyville, TN, which was found sore.

Jason S. Day showed the horse, “Don Rafa,” in the 71<sup>st</sup> Annual Tennessee Walking Horse National Celebration in Shelbyville, TN, which was found sore.

**Date of Violation: September 5, 2009**

**15 U.S.C. § 1824(2) – Unlawful acts**

“The (A) showing or exhibiting, in any horse show or horse exhibition, of any horse which is sore, (B) entering for the purpose of showing or exhibiting in any horse show or horse exhibition, any horse which is sore, (C) selling, auctioning, or offering for sale, in any horse sale or auction, any horse which is sore, and (D) allowing any activity described in clause (A), (B), or (C) respecting a horse which is sore by the owner of such horse.”

**15 U.S.C. § 1824(7) – Unlawful Acts**

“The showing or exhibiting at a horse show or horse exhibition; the selling or auctioning at a horse sale or auction; the allowing to be shown, exhibited, or sold at a horse show, horse exhibition, or horse sale or auction; the entering for the purpose of showing or exhibiting in any horse show or horse exhibition; or offering for sale at a horse sale or auction, any horse which is wearing or bearing any equipment, device, paraphernalia, or substance which the Secretary by regulation under Section 1828 of this title prohibits to prevent the soring of horses.”

**9 C.F.R. § 11.2(c) Prohibition concerning exhibitors – Substances**

“All substances are prohibited on the extremities above the hoof of any Tennessee Walking Horse or racking horse while being shown, exhibited, or offered for sale at any horse show, horse exhibition, or horse sale or auction, except lubricants such as glycerine, petrolatum, and mineral oil, or mixtures thereof....”

**9 C.F.R. § 11.3 – Scar rule**

“The scar rule applies to all horses born on or after October 1, 1975. Horses subject to this rule that do not meet the...scar rule criteria shall be considered to be “sore” and are subject to all prohibitions of...the Act.”

You showed a horse, “Jose’ Made In The USA”, in the 71<sup>st</sup> Annual Tennessee Walking Horse National Celebration in Shelbyville, TN, which was found sore and tested positive for Hexagol and Benzocaine.

**Date of Violation: August 27, 2009**

**15 U.S.C. § 1824(1) – Unlawful acts**

“The shipping, transporting, moving, delivering, or receiving of any horse which is sore with reason to believe that such horse while it is sore may be shown, exhibited, entered for the purpose of being shown or exhibited, sold, auctioned, or offered for sale, in any horse show, horse exhibition, or horse sale or auction...”

Jason S. Day transported for the purpose of showing, the horse, “A Bold Generator,” to the 71<sup>st</sup> Annual Tennessee Walking Horse National Celebration in Shelbyville, TN, which was found sore.